[First Reprint]

ASSEMBLY, No. 3989

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MAY 17, 2018

Sponsored by:
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)
Assemblyman VINCENT MAZZEO
District 2 (Atlantic)
Assemblywoman CAROL A. MURPHY
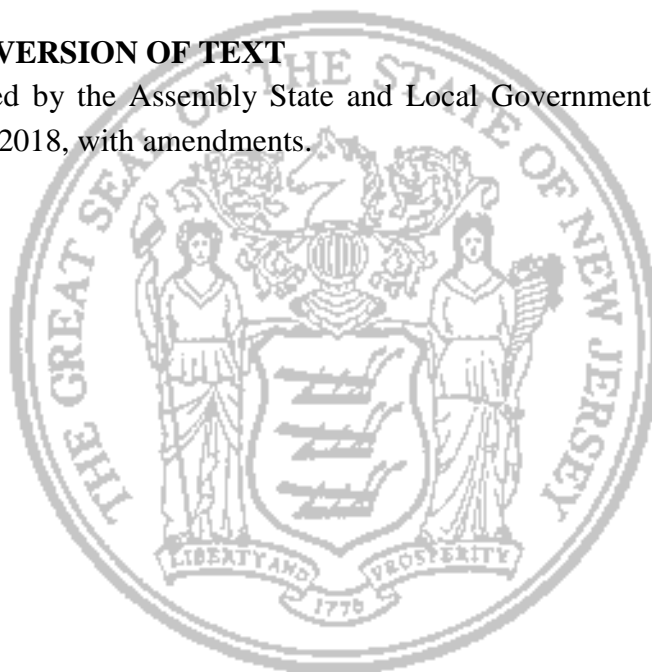**District 7 (Burlington)**

Co-Sponsored by:
Assemblyman Carroll and Assemblywoman Reynolds-Jackson

SYNOPSIS
  Provides State contracts require use of software to document computer use by contractor.

CURRENT VERSION OF TEXT
  As reported by the Assembly State and Local Government Committee on December 6, 2018, with amendments.

1   AN ACT providing that State contracts require the use of software to
2   document computer use by a contractor and supplementing Title
3   52 of the Revised Statutes.
4
5   BE IT ENACTED *by the Senate and General Assembly of the State*
6   *of New Jersey:*
7
8   1.   Notwithstanding the provisions of any other law or rule or
9   regulation to the contrary, any contract entered into by any State
10   agency for the purchase of goods or services, or for the construction
11   of any public work, having a value in excess of $100,000 shall
12   require the contractor to use software to verify that all hours billed
13   for work under the contract for services performed on a computer
14   are eligible charges. Every such contract shall specifically provide
15   that the State agency shall not pay for hours worked on a computer
16   unless the hours are verifiable by software or by data collected by
17   software.
18   The software required by this section shall:
19   permit the State agency to have real-time access to data
20   collected or provided by the software;
21   automatically gather verification data of State-funded activity
22   and [1]take a screenshot and[1] track total keystroke and mouse event
23   frequency at least once every three minutes, and make that
24   information available to the State agency in real-time and upon
25   request;
26   provide automated real-time cost status of each task;
27   provide professional biographical information that is not private
28   or confidential on individuals performing work funded by a State
29   agency;
30   ensure appropriate privacy and confidentiality of any data for
31   individuals; and
32   permit the State agency to provide immediate feedback to the
33   contractor on work in progress.
34   A contractor shall store, or contract with another to store, data
35   collected by the software for a period of seven years after payment
36   is made to the contractor for services provided to the State agency.
37   The contractor shall retrieve and make available data upon the
38   request of the State agency in the format requested by the State
39   agency at any time during the seven years as needed to comply with
40   the provisions of this section or any other law which may require
41   disclosure of such information.
42   A contractor shall not charge the State agency for access to, or
43   use of, the work verification software or for access to or retrieval of
44   data collected by the software.

1   The provisions of this section shall apply to any auditor acting
2   on behalf of a State agency to the same extent as it applies to the
3   State agency.
4   As used in this section, "State agency" means any principal
5   department in the Executive Branch of State government, and any
6   division, board, bureau, office, commission or other instrumentality
7   within or created by such department, and any independent State
8   authority, commission, instrumentality or agency, other than in the
9   Legislative or Judicial Branches of State government, which is
10   authorized by law to award public contracts.
11
12   2.   This act shall take effect immediately.